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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 27 November, 1945, 1000-1230, Lord Justice Lawrence, presiding.

THE PRESIDENT: I call on the counsel for the United States. Mr Alderman, before you begin, I think it would be better, for the purpose of the Tribunal, in citing documents if you would refer to them not only by the United States Exhibit Number and the Peer Exhibit Number, but also by the document book identification. Each document book, as I understand it, has either a letter or a number.

MR. ALDERMAN: If the Court please, I am not familiar with the identification numbers of the document book. I suppose the clerk can give them to me.

THE PRESIDENT: They are numbered alphabetically, I think.

MR. ALDERMAN: Yes.

THE PRESIDENT: If that is not done, when we have a great number of document books before us, it is very difficult to find where the particular exhibit is.

MR. ALDERMAN: I can see that, yes.

May it please the Tribunal, the handful of selected documents which I presented on yesterday constitute a cross section of the aggressive war case as a whole. They do not purport to cover the details of any of the phases of the aggressive war case. In effect they do amount to a running account of the entire matter.

Before moving ahead with more detailed evidence, I think it might be helpful to pause at this point to present to the Tribunal a chart. This chart presents visually some of the key points in the development of the Nazi aggression. The Tribunal may find it helpful as a kind of visual summary of some of the evidence received yesterday and also as a background for some of the evidence which remains to be introduced. I am quite certain that as your minds go back to those days, you remember the maps that appeared from time to time in the public press as these tremendous movements developed in Europe. I am quite certain

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that you must have formed the concept, as I did, in those days of the gradually developing head of a wolf.

In that first chart (indicating) you only have an incipient wolf. He lacks a lower jaw, the part shown in red, but when that wolf moved forward and took over Austria, the Anschluss, that red portion became solid black. It became the jaw of the wolf, and when that lower jaw was acquired, Czechoslovakia was already with its head and the main part of its body in the mouth of the wolf.

Then on chart two you see the mountainous portions, the fortified portions, of Czechoslovakia. In red you see the Sudetenland territories which were first taken over by the Pact of Munich, whereupon Czechoslovakia's head became diminished in the mouth of the wolf.

In chart three you see the diminishing head in red with its neck practically broken, and all that was necessary was the taking over of Bohemia and Moravia and the wolf's head became a solid, black blot on the map of Europe, with arrows indicating incipient further aggressions, which, of course, occurred.

That is the visual picture that I have never been able to wipe out of my mind, because it seems to demonstrate the inevitability of everything that went along after the taking over of Austria.

The detailed more or less chronological presentation of the aggressive war case will be divided into seven distinct sections. The first section is that concerning preparation for aggression during the period of 1933 to 1936, roughly. The second section deals with aggression against Austria. The third section deals with aggression against Czechslovakia. The fourth section deals with aggression against Poland and the initiation of actual war. For reasons of convenience, the details of the Polish section will be presented after the British Chief Prosecutor presents his opening statement to the Tribunal. The fifth section deals with the expansion of the war into a general war of aggression by invasions into Scandinavia, the Lowlands and the Balkans. The details on this section of the case will be presented by the British Chief Prosecutor. The sixth section deals with aggression against the Soviet Union, which we shall expect to

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present.. For reasons of convenience again, the details on this section, like the details on aggression against Poland, will be presented after the British Prosecutor has made his opening statement to the Tribunal. The seventh section will deal with collaboration with Italy and Japan and the aggression against the United States.

I turn now to the first of these sections, the part of the case concerning preparation for aggression during the period 1933 to 1936. The particular section of the indictment to which this discussion addresses

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itself is Paragraph IV (F) and sub-paragraph 2 (a), (b), (c), (d) (e), and (f), which I need not read at a glance, as the Tribunal will recall the allegation. It will be necessary as I proceed to make reference to certain provisions of the Charter and to certain provisions of the Treaty of Versailles and the Treaty between the United States and Germany restoring friendly relations, 25 August 1921, which incorporates certain provisions of the Treaty of Versailles and certain provisions of the Rhine Treaty of Locarno of 16 Ocotber 1925.

THE PRESIDENT: Mr. Alderman, is it not intended that this document book should have some identifying letter or number?

MR. ALDERMAN: I suppose it should have, sir. Yes. I don't know what the proper letter is.

THE PRESIDENT: Doesn't anybody know?

MR. ALDERMAN: "M", I am informed.

THE PRESIDENT: "M"?

MR. ALDERMAN: Yes. I do not offer those treaties in evidence at this time, because the British will offer all the pertinent treaties in their aspect of the case.

The Nazi plans for aggressive war started very soon after World War I. Their modest origin and rather fantastic nature and the fact that they could have been interrupted at numerous points do not detract from the continuity of the planning. The focus of this part of the indictment on the theory that it was from 1933 to 1945 does not disassociate these events from what occurred in the entire preceding period. Thus the ascendency of Hitler and the Nazis to political power in 1933 was already a well advanced milestone on the German road of progress.

By 1933 the Nazi Party, the NSDAP, had reached very substantial proportions. At that time their plans called for the acquisition of political control of Germany. This was indispensable for the consolidation within the country of all the internal resources and potentialities.

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As soon as there was sufficient indication of successful progress along this line of internal consolidation, the next step was to become disengaged from some of the external disadvantages of existing international limitations and obligations. The restrictions of the Versailles Treaty were a bar to the development of strength in all the fields necessary if one were to make war. Although there had been an increasing amount of circumvention and violation from the very time that Versailles came into effect, such operations under disguise and subterfuge could not attain proportions adequate for the objectives of the Nazis. To get the Treaty of Versailles out of the way was indispensable to the development of the extensive military power which they had to have for their purposes. Similarly, as part of the same plan and for the same reason, Germany withdrew from the disarmament conference and from the League of Nations. It was impossible to carry out their plan on the basis of existing international obligations or of the orthodox kind of future commitments.

The points mentioned in this Paragraph IV (F) 2 of the indictment are now historical facts of which we expect the Tribunal to take judicial notice.

It goes without saying that every military and diplomatic operation was preceded by a plan of action and a careful coordination of all participating forces. At the same time each point was part of a long prepared plan of aggression. Each represents a necessary step in the direction of the specific aggression which was subsequently committed.

To develop an extensive argument would, perhaps, be the unnecessary laboring of the obvious. What I intend to say is largely the bring to light of information disclosed in illustrative documents which were hitherto unavailable.

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The three things of immediate international significance referred to in this paragraph IV (F) 2 of the indictment are, first, the withdrawal from the disarmament conference and the League of Nations; second, the institution of compulsary military service; and, third, the reoccupation of the demiliterized zone of the Rhineland. Each of these steps was progressively more serious that the matter of international relations. In each of these steps Germany anticipated the possibility of sanction being applied by other countries, and, particularly, a strong military action from France with the possibl assistance of England. However, the conspirators were determined that nothing less than a preventative war would stop them, and they also estimated correctly that no one or combination of big powers would undertake the responsibility for such a war. The withdrawal from the disarmament conference and from the League of Nations was, of course, action that did not violate any international obligation. The League Covenant provided the procedure for withdrawal. However, in this case and as part of the bigger plan the significance of these actions can not be disassociated from the general conspiracy and the plan for aggression. The announcement of the institution of universal military service was a more daring action with a more overt

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significance. It was a violation of Versaille, but they got away with it. Then came the outright military defiance, the occupation of the demiliterized zone of the Rhineland.

Still in indictment paragraph IV (F) 2, which alleges that the determination of the Nazi conspirators to remove the restrictions of Versailles, the fact that the Nazi plans in this respect started very early is not only confirmed by their own statement, but they boasted about their long planning and careful execution.

I read to you yesterday at length from our Exhibit 789 PS, Exhibit USA 23, Hitler's speech to All Supreme Commanders of 23 November 1939, I need not read it again. He stated there that his primary goal was to wipe out Versailles. After four years of actual war, the Defendabt Jodl, as Chief of the General Staff of the Armed Forces, delivered an address to the Reich and to the Gauleiters in which he traced the development of German strength. The seizure of power to him meant the restoration of fighting sovereignty, including consription, occupation of the Rhineland, and rearmament, with special emphasis on modern armour and air forces.

I have, if the Tribunal please. our document Number L-172. It is photostat of a microfilm of a speech by General Jodl, and I offer that photostat as Exhibit USA 34. I shall read, if the Tribunal please, only a part of that, but beginning with the beginning.

The speech is entitled "The Stategic Position at the Beginning of the 5th Year of War." It is a kind of retrospective summary by the defendant, General Jodl. "A lecture delivered by the Chief of the General Staff of the Armed Forces (West) on the 7th November, 1943 at Munich to the Reich and Gau Leaders."

THE PRESIDENT: Are you reading from the document now?

MR ALDERMAN: I am reading from the English translation.

THE PRESIDENT: But in my copy of L-172, as far as I can see, it begins with the word "Introduction".

MR ALDERMAN: Yes, sir, I was just coming to the Introduction. On my copy--

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THE PRESIDENT: There is another heading, too?

MR ALDERMAN: Yes.

THE PRESIDENT: We haven't got that.

MR ALDERMAN: You have an index, I think. I don't have that on my copy. Page 3

THE PRESDIENT: Yes, but the Index doesn't give the heading; that is all.

MR ALDERMAN: I see, I am sorry.

THE PRESIDENT: It doesn't matter.

MR ALDERMAN: (Reading) "Introduction: ReichLeiter BORMANN has requested me to give you a review today of the strategic position in the beginning of the 5th Year of War.

"I must admit that it was not without hesitation that I undertook this none too easy task. It is not possible to do it justice with a few generalities. It is not necessary to say openly what is. No-one-- the FUEHRER has ordered-- may know more or be told more than he needs for his own immediate task, but I have no doubt at all in my mind, Gentlemen, but that you need a great deal in order to be able to cope with your tasks. It is in your GAUS, after all, and among their inhabitants that all the enemy propaganda, the defeatism, and the malicious rumours concentrate that try to find themselves a plan among our people. Up and down the country the devil of subversion strides. All the cowards are seeking a way out, or--as they call it-- a political solution. They say, we must negotiate while there is still something in hand, and all these slogans are made use of to attack the natural sense of the people, that in this war there can only be a fight to the end. Capitulation is the end of the Nation, the end of Germany. Against this wave of enemy propaganda and cowardice you need more than force. You need to know the true situation and for this reason I believe that I am justified in giving you a perfectly open and uncoloured account of the state of affairs. This is no forbidden disclosure of secrets, but a weapon which may perhaps help you to fortify the morale of the people. For this war will not only be decided by the force of arms but by the will of the whole people.

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Germany was broken in 1918 not at the front but at home. Italy suffered not military defeat but morale defeat. She broke down internally. The result has been not the peace she expected but --through the cowardice of these criminal traitors -- a fate thousand times harder than continuation of the war at our side would have brought to the Italian people. I can rely on you, Gentlemen, that since I give concrete figures and data concerning our own strength, you will treat these details as your secret; all the rest is at your disposal without restriction for application in your activities as leaders of the people.

"The necessity and objectives of this war were clear to all and everyone at the moment when we entered upon the War of Liberation of Greater Germany and by attacking parried the danger which menaced us both from Poland and from the Western powers. Our further incursions into Scandinavia, in the direction of the Mediterranean and in that of Russia -- these also aroused no doubts concerning the general conduct of the war so long as we were sucessful. It was not until more serious set-backs were encountered and our general situation began to become increasingly acute, that the German people began to ask itself whether perhaps we had not undertaken more than we could do and set our aims too high. To provide an answer to this questioning and to furnish you with certain points of view for use in your own explanatory activities is one of the main points of my present lecture. I shall divide it into three parts:

"I A review of the most important development up to the present

"II Consideration of the present situation.

"III The foundation of our morale and our confiddnce in victory.

"In view of my position as military advisor to the Fuehrer, I shall confine myself in my remarks to the problems of my own personal sphere of action, fully appreciating at the same time that in view of the protean nature of this war, I shall in this way be giving expression only to one side of events.

"I Review

"1. The fact that the National - Socialist movement and its struggle for internal power were the preparatory stage of the outer liberation from the bonds of the Dictate of Versailles is not one on which I need enlarge i

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this circle. I should like however to mention at this point how clearly all thoughtful regular soldiers realize what an important part has been played by the National - Socialist movement in re-awakening the will to fight -- "WEHRWILLEN"--; in nurturing fighting strength -- WEHRKRAFT"-- and in rearming the German people. In spite of all the virtue inherent init, the numerically small REICHSWEIR would never have been able to cope wit this task, if only because of its own restricted radius of action. Indeed, what the Fuehrer aimed at -- and has so happily been successful in bringing about -- was the fusion of these two forces.

"The seizure of power--" I invite the Tribunal's attention to the frequency with which that expression occurs in all of these documents.

"2" The seizure of power in its turn had meant in the first place the restoration of fighting sovereignty." That is the German word "Wehrhoheit" a kind of euphemism there -- the "High-ness of defense ". I think it really means "Fighting sovere ignty".

"2. The seizure of power in its turn has meant in the first place restoration of fighting sovereignty -- WEHRHOHEIT"--(conscription, occupation of the Rhineland) and re-armament with special emphasis being laid on the creation of a modern armoured and air arm.

"3. The Austrian "Anschlus'-- "Anschlus" means a locking onto I think. They latched onto Austria " -- in its turn, brought with it not only the fulfilment of an old national aim but also had the effect both of reinforcing our fighting strength and of materially improving our strategic position. Whereas up till then the territory of Czechoslovakia had projected ina most menacing war right into Germany (a wasp waist in the direction of France and an air base for the Allies, in particular Russia), Czechoslovakia herself was now enclosed by pincers."

I wish the Tribunal would contemplate the chart a moment and see that worm-like form of Czechoslaovkia, which General Jodl calls a "wasp waist in the direction of France", and then he very accurately described what happened when Austria was taken by the Anschluss; the wasp waist was "now enclosed by pincers".

I am now resuming the reading:

"Its own strategic position had now become so unfavorable that she was bound to fall a victim to any attack pressed home

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with rigour before effective aid from the WEST could be expected to arrive.

"This possibility of aid was furthermore made more difficult by the construction of the WEST WALL, which, in contra-distinction to the MAGINOT Line, was not a measure based on debility and resignation but one intended to afford rear cover for an active policy in the EAST.

"4. The bloodless solution of the Czech conflict in the autumn of 1938 and spring of 1939--" That was the two phases on Czechoslovakia. "--and the annexation of Slovakia rounded off the territory of Greater Germany in such a way that it now became possible to consider the Polish problem on the basis of more or less favourable strategic premises."

I think it needs nothing more than a glance at the progressive chart to see what those favorable strategic premises were.

"This brings me," said General Jodl, "to the actual outbreak of the present war, and the question which next arises is whether the moment for the struggle with Poland--in itself--unavoidable--was favorably selected or not. The answer to this question is all the less in doubt since the opponent--after all, not inconsiderable in himself--collapsed unexpectedly quickly, and the Western Powers who were his friends, while they did declare war on us and form a second front, yet for the rest made no use of the possibilities open to them of snatching the initiative from our hands. Concerning the course of the Polish campaign, nothing further need be said beyond that it proved in a measure which made the whole world sit up and take notice a point which up till then had not been certain by any means; that is, the high state of efficiency of the young Armed Forces of Great Germany."

If the Court please, there is a long review by General Jodl in this document. I can read on with interest and some enthusiasm, but I believe I have read enough to show that General Jodl by this document identifies himself fully with the Nazi movement. This document shows that he was not a mere soldier. Insofar as he is concerned, it identifies the military with the political, and the immediate point on which I had offered the document was to show the deliberation with which the Treaty of Versailles was abrogated by Germany and the

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demilitarized zone of the Rhineland was militarized and fortified.

In one of Adolph Hitler's reviews of the six year period between his ascendancy to power and the outbreak of hostilities, he not only admitted but boasted about the orderly and coordinated long-range planning. I bring up again, if the Tribunal please, L-79, which was offered in evidence yesterday, USA-Exhibit 27. That is the minutes of conference of the Fuehrer by Schmundt, his adjutant. In as large a staff as ours, we inevitably fall into a kind of patois or lingo, as Americans say. We also refer to this as Little Schmundt. The large file that I offered yesterday we call Big Schmundt.

At this point, I merely wish to read two sentences from Page 1 of that document which we call Little Schmundt. One sentence on Page 1. It is down below the middle of the page: (Reading) "In the period 1933 - 1939 progress was made in all fields. Our military system improved enormously." Then, just above the middle of the second page of the English translation: "The period which lies behind us has, indeed, been put to good use. All measures have been taken in the correct sequence and in harmony with our aims."

One of the most significant preparations for aggressive war is found in the Secret Document Reich Defense Law of May 21, 1935, which I offered in evidence yesterday, as Exhibit USA 24 and commented on sufficiently. I need not repeat that comment. The law went into effect upon its passage. It stated at its outset that it was to be made public instanter, but at the end of it Adolf Hitler signed the decree ordering that it be kept secret. I commented on that sufficiently yesterday.

General Thomas, who was in Charge of War on Armament Economy and for sometime a high ranking member of the German High Counsel, refers to this law as the cornerstone of war preparations. He points that, although the law was not made public until the outbreak of war, it was put into immediate execution as a program for preparations.

I ask the Tribunal to take judicial notice of General Thomas' work, "A History of the German War and Armament Economy, 1923-1944,"

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Page 25. We have the volume here, in German, so that anyone may examine it that wishes to do so. I don't care to offer the entire volume in evidence unless the Court thinks I should. We do give it an exhibit number, Exhibit USA 36, but I simply should like to

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place it in the files as a reference work implementing judicial notice, if that is practicable.

THE PRESIDENT: You want it simply for the purpose of showing that General Thomas said that law was the cornerstone of war?

MR. ALDERMAN: Yes.

THE PRESIDENT: That has already passed into the record.

MR. ALDERMAN: I want to say to counsel for the defendants that it is here if they care to consult it at any time.

THE PRESIDENT: Very well.

MR. ALDERMAN: I should have identified it by our number, 2353 PS.

This secret law remained in effect until 4 September, 1939, at which time it was replaced by another secret defense law, revising the system of defense organization and directing more detailed preparations for the approaching status of mobilization, which I think was the euphemism for war.

These laws will be discussed more extensively in connection with other sections of our presentation. They have been discussed by Mr. Dodd in connection with the economic preparations for the war.

The second Secret Defense Law I offer in evidence as our Serial Number 2194, PS. I offer it as Exhibit USA 36.

As to this document, I only intend to read the two covering letters, Reichs Defense Law, the Ministry for Economy and Labor, Saxony, Dresden; and 6 December 1939, TEL. I suppose, Telegraph. 52151. Long Distance. Top Secret.

THE PRESIDENT: Does this occur at the beginning of 2194 PS?

MR. ALDERMAN: It should, yes, sir, unless mine is different from yours.

THE PRESIDENT: I don't think I have any letter here introducing it.

MR. ALDERMAN: Doesn't that start after that, "To the Reichs Protector in Bohemia and Moravia"?

THE PRESIDENT: Yes, that's right. I beg your pardon.

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(Mr Alderman continuing):

"Transportation Section, attention of Construction Chief Counsellor Hirches, or representative in the office of the Reichs Protector in Bohemia and Moravia, received Prague, 5 September 1939, No. 274. Inclosed please find a copy of the Reichs Defense Law of 4 September 1938 and a copy each of the decrees of the Reichs Minister of Transportation, dated 7 October 1938, RL 10.2212/38, top secret, and of 17 July 1939, RL / LV 1.2173/39, top secret, For your information and observance, by order, signed Kretzchmar. 3 inclosures completed to Dresden, 4 September, 1939, signed Schneider 3 inclosures. Receipt for the letter of 4 September 1939, with 3 inclosures, signed 5 September, 1939, and returned to construction Counsellor Kretzchmar -- the whole point being that inclosing a second secret Reich Defense Law under top secret cover.

Now, next I refer to indictment paragraph IVF2a. That paragraph of the indictment refers to four points: (1) Secret rearmament from 1933 to March 1935; (2) the training of military personnel (that includes secret or camouflage training); (3) production of munitions of war; (4) the building of an air force. All four of these are included in the general plan for the breach of the Treaty of Versailles and for the ensuing aggressions. The facts of rearmament and of secrecy are self-evident from the events that followed. The significant phrase of this activity insofar as the indictment is concerned lies in the fact that all this was necessary in order to break the barriers of the Treaty of Versailles and of Locarno Pact and necessary to the aggressive wars which were to follow. The extent and

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nature of those activities could only have been for aggressive purposes, and the highest importance which the Government attached to the secrecy of the program is emphasized by the disguised financing, both before and after the announcement of conscription, and the rebuilding of the army, 16 March 1935.

I have, if the court please, an unsigned memorandum by the Defendant Schacht dated 3 May 1935 entitled, "The Financing of the Armament program, "Finanzierung der Ruestung." As I say, it is not signed by the defendant Schacht, but he has identified it as being his memorandum in an interrogation on the 16th of October 1945. I would assume that he would still admit that it is his memorandum. That memorandum has been referred to but I believe not introduced or accepted in evidence. I identify it by our No. 1168-PS, and I offer it in evidence as Exhibit USA 37.

I think it is quite significant, and with the permission of the court, I shall read the entire memorandum, reminding you that the German interpreter has the original German before him to read it to the transcript.

"Memorandum from Schacht to Hitler, identified by Schacht as Exhibit A, interrogation 16 October 1945, page 40. May 3, 1935," is the date of the memorandum.

"Financing of Armament. The following explanations are based upon the thought, that the accomplishment of the armament program with speed and in quantity is the problem of German politics, that everything else therefore should be subordinated to this purpose as long as the main purpose is not imperiled by neglecting all other questions. Even after March 16, 1935, the difficulty remains that one cannot undertake the open propagandistic treatment of the German people for support of armament without endangering our position internationally (without loss to our foreign trade). The already nearly impossible financing of the armament program is rendered hereby exceptionally difficult.

"Another supposition must be also emphasized. The printing press can be used only for the financing of armament to such a degree, as permitted by maintaining of the money value. Every inflation increases the prices of foreign raw materials and increases the domestic prices, is therefore like a snail biting its own tail. The circumstance that

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our armament had to be camouflaged completely till March 16, 1935, and even since this date the camouflage had to be continued to a larger extent, making it necessary to use the printing press (bank note press) already at the beginning of the whole armament program, while it would have been natural, to start it (the printing press) at the final point of financing. In the portefeuille of the Reichsbank are segregated notes for this purpose, that is, armament, of 3,775 millions and 866 millions, altogether 4,641 millions, out of which the armament notes amount to Reichsmarks 2,374 millions, that is, of April 30, 1935. The Reichsbank has invested the amount of marks under its jurisdiction, but belonging to foreigners in blank notes of armament. Our armaments are also financed partly with the credits of our political opponents. Furthermore, 500 million Reichsmarks were used for financing of armament, which originated out of Reichsanleihe, the federal loans, placed with savings banks. In the regular budget, the following amounts were provided. For the budget period 1933-34, Reichsmarks 750 millions; for the budget period 1934-35, Reichsmarks 1,100 millions; and for the budget period 1935-36, Reichsmarks 2,500 millions.

"The amount of deficits of the budget since 1928 increases after the budget 1935-36 to 5 to 6 millions Reichsmarks. This total deficit is already financed at the present time by short term credits of the money market. It therefore reduces in advance the possibilities of utilization of the public market for the armament. The Reichsfinanz-minister, Minister of Finance, correctly points out at the defense of the budget: "As a permanent yearly deficit is an impossibility, as we cannot figure with security with increased tax revenues in amount balancing the deficit and any other previous debits, as on the other hand a balanced budget is the only secure basis for the impending great task of military policy"--I interpolate that evidently the defendant Schacht knew about the impending great military task to be made by Germany -- "for all these reasons we have to put in motion a fundamental and conscious budget policy which solves the problem of armament financing by organic and planned reduction of other expenditures not only from the

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point of receipt, but also from the point of expenditure, that is, by saving.

"How urgent this question is, can be deducted from the following, that a large amount of task has been started by the state and party"-- it isn't just the state; it is the state and the party -- " and which is now in process, all of which are not covered by the budget, but from contributions and credits, which have to be raised by industry in addition to the regular taxes.

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"How urgent this question is, can be deducted from the following, that a large amount of task has been started by the state and party"-- it isn't just the state; it is the state and the party -- " and which is now in process, all of which are not covered by the budget, but from contributions and credits, which have to be raised by industry in addition to the regular taxes.

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The existing of various budgets side by side, which serve more or less public tasks, is the greatest impediment for gaining a clear view over the possibilities of financing the armaments. A whole number of ministries and various branches of the party have their own budgets, and for this reason have possibilities of incomes and expenses, though based on the sovereignty of finance of the state, but not subject to the control of the Finanzminister (minister of Finance) and therefore also not subject to the control of the cabinet. Just as on the sphere of politics the much too far-reaching delegation of legislative powers to individuals brought about various states within the states, exactly in the same way the condition of various branches of state and party, working side by side and against each other, has a devastating effect on the possibility of financing. If on this territory concentration and unified control is not introduced very soon, the solution of the already impossible task of armament financing is endangered.

"We have the following tasks:

"(1) A deputy is entrusted with," I suppose, "finding all sources and revenues, which have its origin in contributions to the federal government, to the state and party and in profits of public and party enterprises.

"(2) Furthermore experts, entrusted by the Fuehrer, have to examine how these amounts were used and which of these amounts can in the future be withdrawn from their previous purpose.

"(3) The same experts have to examine the investments of all public and party organizations, to which extent this property can be used for the purpose of armament financing.

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"(4) The federal ministry of finances is to be entrusted to examine the possibilities of increased revenues by way of new taxes or increasing of existing taxes.

"The up-to-date financing of armaments by the Reichsbank under existing political conditions was a necessity and the political success proved the correctness of this action. The other possibilities of armament financing have to be started now under any circumstances. For this purpose all absolutely non-essential expenditures for other purposes have not to take place and the total financial strength of Germany, limited as it is, has to be concentrated for the one purpose of armament financing. Whether the problem of financing, as outlined in this program, succeeds, remains to be seen, but without such concentration, it will fail with absolute certainty."

Being a sort of a hand in finance myself, I can feel some sympathy with the defendant Schacht as he was wrestling with these problems.

21 May 1935 was a very important date in the Nazi calendar.

THE PRESIDENT: Would that be a convenient time to adjourn for ten minutes?

MR. ALDERMAN: Yes.

(Whereupon the court at 1120 hours took a 10-minute recess).

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MR. ALDERMAN: 21 May, 1935, was a very important date in the Nazi calendar. As I have already indicated, it was on that date that they passed the secret Reich Defense Law, which is our document 2261-PS. The secrecy of their armament operations had already reached the point beyond which they could no longer maintain successful camouflage and since their programme called for still further expansion, they made the unilateral renunciation of the armament provisions of the Versailles Treaty on the same date, 21 May, 1935.

I refer to Hitler's speech to the Reichstag on 21 May, 1935, our document 2288-PS. We have here the original volume of the "Voelkische Beobachter", (the "Popular Observer", I suppose is the correct translation) Volume 48, 1935, 122-151, May, and the date 22 May, 1935, which gives his speech, under the heading (if I may translate, perhaps) "The Fuehrer Notifies the World of the Way to Real Peace".

I offer that part of that volume identified as our number 2288-PS, as Exhibit U.S.A.38, and from that I shall read, beginning with the fifth paragraph in the English translation:-

"The Treaty of Versailles was not broken ..."

I am starting with the words, "The Treaty of Versailles", in the fifth paragraph.

"The Treaty of Versailles was not broken by Germany unilaterally, but the well-known paragraphs of the dictat of Versailles were violated and consequently invalidated by those powers who could not make up their minds to follow the disarmament requested of Germany with their own disarmament agreed upon by the Treaty".

I am sorry, I said the fifth paragraph .. this

indicates on Page 3. It is after he discusses some general conclusions and then there is a paragraph numbered 1, that says:

"The German Reich Government refuses to adhere to the Geneva Resolution of 17 May ..."

"The Treaty of Versailles was not broken by Germany unilaterally, but the well-known paragraphs of the dictat of Versailles were violated and consequently invalidated by those powers ..."

I am sorry. May I look at the German original? If the court please, I don't want to read the whole volume of the "Voelkische Beobachter"...

THE PRESIDENT: If it is only a short document you are going to read, perhaps the document could be taken away from the interpreter, and he could follow you.

MR. ALDERMAN: I think I could find it ... I am not very fast in reading German but ...

THE PRESIDENT: If you read it in English, he will translate it.

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MR. ALDERMAN: Yes, but I want the interpreter to have the German.

You will find "1. The German Reich Government refuses to adhere to the Geneva Resolution of 17 May.."

"The Treaty of Versailles was not broken by Germany unilaterally, but the well-known paragraphs of the dictat of Versailles were violated, and consequently invalidated, by those powers who could not make up their minds to follow the disarmament requested of Germany with their own disarmament as agreed upon by Treaty.

"2. Because the other powers did not live up to their obligations under the disarmament programme, the Government of the German Reich no longer considers itself bound to those articles, which are nothing but a discrimination of the German nation..." (I suppose "against the German nation.") "...for an unlimited period of time, since, through them, Germany is being nailed down in a unilateral manner, contrary to the spirit of the agreement."

If the Tribunal please, needless to say, when I cite Adolf Hitler, I don't necessarily vouch for the absolute truth of everything that he presents. This is a public speech he made before the world, and it is for the Tribunal to judge whether he is presenting a pretext or whether he is presenting the truth.

In conjunction with other phases of planning and preparation for aggressive war, there were various programmes for direct and indirect training of a military nature. This included not only the training of military personnel, but also the establishment and training of other military organizations, such as the Police Force, which could be and were absorbed by the Army.

These are shown in other parts of the case presented by the Prosecution. However, the extent of this programme for military training is indicated by Hitler's boast of the expenditure of ninety billion Reichsmarks during the period of 1933 to 1939, in the building up of the armed forces.

I have another volume of the "Voelkische Beobachter", Volume 52, 1939, the issue of 2nd and 3rd September, 1939, which I offer in evidence as Exhibit U.S.A. 39; and there appears a speech by Adolf Hitler, with

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his picture, under the heading which, if I may be permitted to try to translate, reads: "The Fuehrer announces the Battle for the Justice and Security of the Reich." I hand the original volume ...

That is a speech, if the Court please, by Adolf Hitler, on 1 September, 1939, the date of the attack on Poland, identified by our number 2322-PS; and I read from that the paragraphs indicated to the interpreter:

"For more than six years now..."

I beg your pardon. On the Court's mimeographed copy it is the bottom of page 3, the last starting paragraph of the page.

"For more than six years now, I have been engaged in building up the German Armed Forces. During this period more than ninety billion Reichsmarks were spent building up the Wehrmacht. Today, ours are the best-equipped armed forces in the world, and they are superior to those of 1914. My confidence in them can never be shaken."

The secret nature of this training programme and the fact of its early development is illustrated by a reference to the secret training of flying personnel, back in 1932, as well as the early plans to build a military air force. A report was sent to the defendant Hess, in a letter from Schickedantz to the defendant Rosenberg, for delivery to Hess.

I suppose that Schickedantz was very anxious that no one but Hess should get this letter, and therefore sent it to Rosenberg for personal delivery

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to Hess. This document points out that the civilian pilots should be so organized as to enable their transfer into the military air force organization.

The letter is our document 1143-PS, dated 20 October 1932 and I offer it in evidence as U. S. Exhibit 40. It starts: "Lieber Alfred", (referring to Alfred Rosenberg) and is signed "Mit bestem Gruss, Amo". Amo, I think, was the first name of Schickedantz.

"Dear Alfred: I am sending you enclosed a communication from the RWM forwarded to me by our confidential man (Vertrauensmann) which indeed is very interesting. I believe we will have to take some steps so that the matter will not be procured secretly for the Stahlhelm. This report is not known to anybody else. I intentionally did not inform even our long friend". (I suppose that means "our tall friend". I may interpolate that the defendant Rosenberg, in an interrogation on 5 October 1945, identified this "long friend" or "tall friend", as being Von Albensleben).

"I am enclosing an additional copy for Hess, and ask you to transmit the letter to Hess by messenger, as I do not want to write a letter to Hess for fear that it might be read somewhere. Mit bestem Gruss, Yours Amo."

Then enclosed in that is "Air Force Organization".

"Purpose: Preparation of material and training of personnel to provide for the case of the armament of the air force.

"Entire management as a civilian organization will be transferred to Col. Von Willberg, at present commander of Breslau, who, retaining his position in the Reichwehr, is going on leave of absence.

"(a) Organizing the pilots of civilian air lines in such a way as to enable their transfer to the air force organization.

"(b) Prospects to train crews for military flying. Training to be done within the organization for military flying of the Stahlhelm. . ."

I believe that means the "steel helmet". .

". . . which is being turned over to Col. Hanel, retired.

"All existing organizations for sport flying are to be used for military flying. Directions on kinds and tasks of military flying will be issued by this Stahlhelm directorate. The Stahlhelm organization will pay the military pilots 50 marks per hour flight. These are due to the owner of the plane in

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case he himself carries out the flight. They are to be divided in case of non-owners of the plane, between flight organization, proprietor and crew in the proportion of 10:20:20. Military flying is now paid better than flying for advertisement (40). We therefore have to expect that most proprietors of planes or flying associations will go over to the Stahlhelm organization. It must be achieved that equal conditions will be granted by the RWM, also the NSDAP organization."

The programme of re-armament and the objectives of circumventing and breaching the Versailles Treaty are forcefully shown by a number of Navy documents, showing the participation and cooperation of the German Navy in this rearmament programme, secret at first.

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When they deemed it safe to say so, they openly acknowledged that it had always been their objective to break Versailles.

In 1937 the navy high command published a secret book entitled "The Fight of the Navy Against Versailles, 1919 to 1935." The preface refers to the fight of the navy against the unbearable regulations of the peace treaty of Versailles. The table of contents includes a variety of navy activities, such as saving of coastal guns from destruction as required by Versailles; independent armament measures behind the back of the government and behind the back of the legislative bodies; resurrection of the U-boat arm; economic re-armament; and camouflage rearmament from 1933 to the freedom from the restrictions in 1935.

This document points out the significant effect of seizure of power by the Nazis in 1933 on increasing the size and determining the nature of the rearmament program. It also referred to the far-reaching independence in the building and development of the navy, which was only hampered insofar as concealment of rearmament had to be considered in compliance with the Versailles Treaty.

With the restoration of what was called the military sovereignty of the Reich in 1935, the reoccupation of the demilitarized zone of the Rhineland, the external camouflage of rearmament was eliminated.

We have, if the Court please, a photostat of the German printed book to which I have referred entitled "Der Kampf Der Marine Gegen Versailles" -- The Fight of the Navy against Versailles -- 1919 to 1935, written by Sea Captain Schussler. There is the symbol of the Nazi Party with the Swastika in the spread eagle on the cover sheet, and it is headed "secret", underscored. It is our document C-156. It is a book of seventy-six pages of text followed by index lists and charts. I offer this in evidence as exhibit U.S.A. 41. I may say that the defendant Raeder identified this book in a recent interrogation and explained that the navy tried to fulfill the letter of the Versailles Treaty and at the same time to make progress in naval development. I should like to read from this book, if the Court please. I certainly

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shall not read the entire book, but I should like to read the preface and one or two other portions of the book.

"The object and aim of this memorandum under the heading 'Preface', is to draw a technically reliable picture based on documentary records and the evidence of those who took part in the fight of the navy against the unbearable regulations of the peace treaty of Versailles. It shows that the Reich Navy after the liberating activities of the Free Corps and of Scapa Flow did not rest, but found ways and means to lay with unquenchable enthusiasm in addition to the building up of the 15,000-man navy the basis for a greater development in the future, and so create by work of soldiers and technicians the primary condition for a later rearmament. It must also distinguish more clearly the services of these men, who, without being known in wide circles, applied themselves with extraordinary zeal in responsibility in the service of the fight against the peace treaty, thereby stimulated by the highest feeling of duty, they risked, particularly in the early days of their fight, themselves and their position unrestrainedly in the partially self-ordained task. This compilation makes it clearer, however, that even such ideal and ambitious plans can be realized only to a small degree if the concentrated and united strength of the whole people is not behind the courageous activity of the

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soldier. Only when the Fuehrer had created the second and even more important condition for an effective rearmament in the coordination of the whole nation and in the fusion of the political, financial and spiritual power, could the work of the soldier find its fulfillment. The framework of this peace treaty, the most shameful known in world history, collapsed under the driving power of this united will. Signed, the Compiler."

Now, I wish to invite the court's attention merely to the summary of content, because the chapter titles are sufficiently significant for my present purpose.

I. First, defensive action against the execution of the Treaty of Versailles (from the end of the war to the occupation of the Ruhr, 1923).

Under that sub-first: Saving of coastal guns from destruction to removal of artillery equipment and ammunition, hand and machine weapons.

Third, limitation of destruction in Heligoland.

II. Independent armament measures behind the back of the Reich Government and of the legislative body (from 1923 to the Lomann case in 1927).

1. An attempt to increase the personnel strength of the Reich Navy.

2. Contributing to the strengthening of patriotism among the people.

3. Activities of Captain Lomann.

I am ashamed to say, if the court please, that I am not familiar

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with the story about Captain Lemann.

4. Preparation for the resurrection of the German U-boat arm.

5. Building up of the air force.

6. Attempt to strengthen our mine arm (Die Mine).

7. Economic rearmament.

8. Miscellaneous measures.

a. The Aerogiadetic, and;

b. Secret evidence.

III. Planned armament work countenanced by the Reich government but behind the back of the legislative body from 1927 to the seizure of power, 1933.

IV. Rearmament under the leadership of the Reich Government in camouflage (from 1933 to the freedom from restrictions, 1935).

Now, if the interpreter who has the original German volume would turn to chapter four, page seventy-five-- do you find Roman four?-- Concealed rearmament under the leadership of the government of the Reich (from 1933 until military freedom in 1935).

The unification of the whole nation which was combined with the taking over of power on 30 January 1933 was of the decisive influence on the size and shape of further rearmament.

While the second chamber, Reichsrat, approached its dissolution and withdrew as a legislative body, the Reichstag assumed a composition which could only take a one-sided attitude toward the rearmament of the armed forces. The government took over the management of the rearmament program upon this foundation.

Then a heading "Development of the Armed Forces."

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This taking over of the management by the Reich Government developed for the armed forces in such a manner that the War Minister, General von Blomberg, and through him the three branches of the armed forces, received far-reaching powers from the Reich Cabinet for the development of the armed forces. The whole organization of the Reich was included in this way. In view of these powers the collaboration of the former inspecting body in the management of the secret expenditure was from then on dispensed with. There remained only the inspecting duty of the accounting office of the German Reich.

Another heading, "Independence of the Commander in Chief of the Navy." The commander in Chief of the Navy, Admiral Raeder, honorary doctor, had received the advise of a far-reaching independence in the building and development of the navy. This was only hampered insofar as the previous concealment of rearmament had to be continued in consideration of the Versailles Treaty. Besides the public budget there remained the previous special budget, which was greatly increased in view of the considerable credit for the provision of labor, which was made available by the Reich. Wide powers in the handling of these credits were given to the Director of the Budget Department of the navy, up to 1934 Commodore Schussler, afterwards Commodore Foerster. These took into consideration the increased responsibility of the Chief of the Budget.

Another heading, "Declaration of Military Freedom". When the Fuehrer, relying upon the strength of the armed forces executed in the meanwhile, announced the restoration of the military sovereignty of the German Reich, the last-mentioned limitation on rearmament works namely, the external camouflage, was eliminated. Freed from all the shackles which have hampered our ability to move freely on and under water, on land and in the air for one and a half decades, and carried by the newly-awakened

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fighting spirit of the whole nation, the armed forces, that his part of it, the navy, can lead with full strength towards its completion the rearmament already under way with the goal of securing for the Reich its rightful position in the world.

If the Tribunal please, at this moment I have a new problem about proof which I believe we have not discussed. I have in my hand an English transcription of an interrogation of the defendant Erich Raeder. Of course he knows he was interrogated; he knows what he said. I don't believe we have furnished copies of this interrogation to defendant's counsel. I don't know whether under the circumstances I am at liberty to read from it or not. If I do read from it I suggest that the defendant's counsel will all get the complete text of it -- I mean of what I read in the transcript.

THE PRESIDENT: Has the counsel for Defendant Raeder any objection to this interrogation being read?

DOCTOR SIEMERS: So far as I have understood the trial to date, I believe that it is a question of a trial in which either proof through documents or proof through witnesses will be furnished. I am surprised that the prosecution wishes to make proof by way of protocols taken at a time when defense counsel was not present. I would be obliged to the court if I could hear whether in principle every piece of evidence of that sort will be made possible to me as defense counsel or whether it will be made possible to me as defense counsel also to present documents, that is to say, documents in which I myself interrogated witnesses myself, or whether I should be obliged to put them on the stand.

THE PRESIDENT: In the future the Tribunal thinks that if interrogations of defendants are to be used copies of such interrogations should be furnished to defendant's counsel beforehand. The question which the Tribunal wished to ask you was whether on

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this occasion you objected to this interrogation being used without such a copy having been furnished to you. With regard to your observation as to your own rights with reference to interrogating your defendant, the Tribunal considers that you must call them as witnesses upon the witness stand and can not interrogate them and put in the interrogations. The question for you now is whether you object to this interrogation being laid before the Tribunal at this stage.

DOCTOR SIEMERS: I should like first of all to have an opportunity to see this document before it is presented to the Tribunal. Only then will I be able to decide whether interrogations can be read, the contents of which I am not familiar with.

THE PRESIDENT: The Tribunal will adjourn now, and it anticipates that the interrogation can be handed to you during the adjournment and then can be used afterwards.

(adjourned 1230 to 1400.)

File Copy

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, The French Republic, The United Kingdom of Great Britain, and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al., Defendants, sitting at Nurnberg, Germany, on 27 November, 1945, 1400.- 1630, Lord Justice Lawrence, presiding.

MR. JACKSON: May it please the Tribunal. I should like to ask the Tribunal to note the presence and appearance on behalf of the Union of Soviet Socialist Republics of Mr. A. I. Vischinski of the Foreign Office, and, Mr. K. P. Gorshenin, Chief Prosecutor of the Union of Soviet Socialist Republics who has been able to join us in the prosecution only now.

MR. PRESIDENT: The Tribunal notes what Mr. Justice has said, and observes that Mr. Gorshenin has taken his seat with the Russian Delegation of the Chief Prosecutor.

MR. SIEMERS: In the meanwhile during the lunch hour I have seen the protocol. I should like to observe that I don't think it is very agreeable that the prosecution should stick to their point that the defense should not see the documents until late during the proceedings, or just before the proceedings, or at times even after the proceedings. I should be most grateful to the prosecution if it should be made possible in the future to let us be informed in good time, as to the documents -- excuse me -- yesterday a personal call was made about the documents that were to be presented today. I hesitate to say that the documents presented today were not contained in that list put before us yesterday. You will understand that through this the defense has a comparatively difficult task. In principle -- in principle therefore by today's declaration I can not give my consent to that interrogation, that should be read in order to facilitate matters. I should like to follow the suggestion of the Court, and declare myself -- to declare my consent that the protocol, that this protocol question should be ready, but I should like to make it clear, and I think that the prosecution has given its consent, that only such matters should be ready which refers to Document C-156, as I had no time to discuss the other points with the accused. As it is to the remaining points, I would prefer other documents that are cited. Moreover I request that part which refers to the book of Dr. Schuessler, that should be read in full, and I believe that the prosecutor agrees with this.

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THE PRESIDENT: I understood from the counsel for Raeder that you were substantially in agreement as to what part of this interrogation you should read. Is that right Mr. Alderman?

MR. ALDERMAN: If I understand counsel correctly, he asked that I read the entire part of the interrogation which applies to the Document C-156, but I understood that he didn't agree for me to read other parts that referred to other documents. I handed the counsel the original copy of the interrogation before the lunch hour, and when he handed it in after the lunch hour, I substituted in his hand the carbon copy. I don't quite understand his statement about that document being introduced which had not been furnished to the defendant. We did file the document book.

THE PRESIDENT: This document is in the document book?

MR. ALDERMAN: My understanding is that the document book contained all the document which is stated in this interrogation. It didn't contain the interrogation ---

THE PRESIDENT: Then he is right to say that.

MR. ALDERMAN: He is right in saying about this interrogation, yes.

THE PRESIDENT: You are in agreement with him then. You can read what you want to read now. It is not necessary to read that part to which he objects.

MR. ALDERMAN: I think I understand his objection to my reading anything other than the part consigned in C-156, but I anticipate that he might be willing for me to read the other part tomorrow.

This deals with the Book which I offered in evidence this morning, Document C-156, United States Exhibit -- what? -- 41, that the defendant Raeder identified as the Book, and explained that the Navy had to fulfill to the letter the Versailles Treaty, and at the same time make progress in Naval development. I refer to the interrogation of the defendant Raeder at the part we had under discussion:

"Q I have here a document, C-156, which is a photostatic copy of the work prepared by the High Command of the Navy, and covers the struggle of the Navy against the Versailles Treaty from 1919 to 1935. I ask you initially whether you are familiar with the work?

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"A I know this book. I read it once when it was edited.

"Q Was than an official publication of the German Navy?

"A This Captain Schuessler indicated there was Commander in the Admiralty. Published by the OKM, which was an idea of these officers to put all these things together.

"Q Do you recall the circumstances under which the authorization to prepate such a work was given to him?

"A I think he told me that he would write such a book as he told us here in the foreword.

"Q In the preparation of this work he had access to the official Naval files, and based his work on the items contained therein?

"A Yes, I think so. He would have spoken with other persons, and he would have had the files, which were necessary.

"Q Do you know whether before the work was published, a draft of it was circulated among the officers in the Admiralty for comment?

"A No, I don't think so. Not before it was published. I saw it only when it was published.

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"Q Was it circulated freely after its publication?

"A It was a secret object. I think the upper commands in the Navy had knowledge of it.

"Q It was not circulated outside of the Naval circles?

"A No.

"Q What then is your opinion concerning the comments contained in the work regarding the circumventing of the provisions of the Versailles Treaty?

"A I don't remember very exactly what is in here. I can only remember that the Navy had always the object to fulfill the word of the Versailles Treaty, but wanted to have some advantages. But the flying men were exercised one year before they went into the Navy. Quite young men. So that the word of the Treaty of Versailles was filled. They didn't belong to the Navy, as long as they were exercised in flying, and the submarines were developed but not in Germany, and not in the Navy, but in Holland. There was a civil bureau, and in Spain there was an Industrialist; in Finland, too, and they were built much later when we began to act with the English Government about the Treaty of thirty-five to one-hundred, because we could see that then the Treaty of Versailles would be destroyed by such a treaty with England, and so in order to keep the word of Versailles, we tried to fulfill the word of Versailles, but tried to have advantages.

"Q Would the fair statement be that the Navy High Command was interested in avoiding the limited provisions of the Treaty of Versailles regarding the personnel and limits of armaments, but would it attempt to fulfill the letter of the treaty, although actually avoiding it?

"A That was their endeavor".

Mr. ALDERMAN: Now the rest of this is the portion that

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the counsel for the defendant asked me to read.

"Q Why was such a policy adopted?

"A We were much menaced in the first years after the first war by danger that the Poles would attack East Prussia and so we tried to strengthen a little our very, very weak forces in this way, and so all our efforts were directed to the aim to have a little more strength against the Poles, if they would attack us; it was nonsense to them of attacking the Poles in this state, and for the Navy. A second aim was to have some defense against the entering of French forces into the ostsee, or East Sea, because we knew the French had intentions to sustain the Poles from ships that came into the ostsee Goettinger, and so the Navy was a defense against the attack by the Poles, and against the entrance of French shipping into an Eastern Sea. Quite defensive aims.

"Q When did the fear of attack from Poles first show itself in official circles in Germany would you say?

"A When the first years they took Wilma. In the same minute we thought that they would come to East Prussia. I don't know exactly the year, because those judgments were the judgments of the German Government Ministers, of the Army and Navy Ministers, Groner and Noske.

"Q Then those views in your opinion were generally held existing perhaps as early as 1919 or 1920, after the end of the First World War?

"A Oh, but the whole situation was very very uncertain, and about those years in the beginning, I can not give you a very exact thing, because I was then two years in the Navy archives to write a book about the war, and how the cruisers fought in the first war. Two years, so I was not with these things."

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MR. ALDERMAN: Likewise, the same kind of ending and purposes are reflected in the table of contents of a history of the German Navy, 1919 to 1939, found in captured official files of the German Navy. Although a copy of the book has not been found by us, the project was, however, written by Oberst Scherff, Hitler's special military historian. We have found the table of contents, which refers by numbers to groups of documents and notes in the documents, which evidently were intended as working material for the basis of the chapter to be written in accordance with the table of contents. The title of this table of contents fairly establishes the Navy planning and preparations that were to get the Versailles Treaty out of the way, and to rebuild the Navy strength necessary for a drastic war.

We have here an original sketch of document which is as I say the German typewritten table of contents. It is the projected work with a German cover, typewriting entitled, "Geschichte der Deutschen Marine, 1919-1939. History of German Navy. 1919-1939." We identify that as our series C-17, and are offered in evidence as Exhibit U.S.A. 42. This table of contents include such general headings --- perhaps I had better read some of the actual headings.

"Part A (1919 - The year of Transition. Chapter VII. First efforts to circumvent the Versailles Treaty and to limit its effects. Demilitarisation of the Administration, incorporation of Naval Offices in Civil Ministries, etc. Incorporation of greater sections of the German maritime observation station and the sea-mark system in Heligoland and Kiel, of the Ems-Jade-Canal, etc. into the Reich Transport Ministry up to 1934; Noskos' proposal of 11.8.1919 to incorporate the Naval Construction Department in the Technical High School, Berlin; formation of the "Naval Arsenal Kiel".

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"(b) The saving from destruction of coastal fortifications and guns. 1. North Sea (strengthening of fortifications with new batteries and modern guns between the signing and the taking effect of the Versailles Treaty; dealings with the Control Commission - information, drawings, visits of inspection, result of efforts."

Referring to the group of number 85:

"2. Baltic. Taking over by the Navy of fortresses Pilau and Swinemunde; salvage for the Army of one-hundred and eighty-five movable guns and mortars there.

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"3. The beginnings of coastal air defense.

"Part B (1920 - 1924, - THE ORGANISATIONAL NEW ORDER) Chapter V.

"The Navy

"Fulfilment and avoidance of the Versailles Treaty

"Foreign Countries
"(a) The inter-allied Control Commissions
"(b) Defense measures against the fulfilment of the Versailles Treaty and independent arming behind the back of the Reich Government and the legislative bodies.

"1. Dispersal of artillery gear and munitions, of hand and automatic weapons.

"2. Limitation of demolition work in HELIGOLAND.

"3. Atempt to strengthen personnel of the Navy, from 1923.

"4. The activities of Captain Lohmann (founding of numerous associations at home and abroad, participations, formation of "sports" unions and clubs, interesting the film industry in naval recruitment)

"5. Preparation for re-establishing the German U-boat arm since 1920
(Projects and deliveries for Japan, Holland, Turkey, Argentine and Finland. Torpedo testing)

"6. Participation in the preparation for building of the Luftwaffe (preservation of aerodromes, aircraft construction, teaching of courses, instruction of midshipmen in anti air raid defence, training of pilots).

"7. Attempt to strengthen the mining branch.

Part C (1925 - 1932. REPLACEMENT OF TONNAGE) Chapter IV.

"The Navy, The Versailles Treaty,
Foreign Countries.

"(a) The activities of the Inter-allied Control Commissions (up to 31.1.27; discontinuance of the activity of the Naval Peace Commission)
"Independent armament measures behind the back of the Reich Government and legislative bodies up to the LOHMANN case.

"1. The activities of Captain LOHMANN (continuation) their significance as a foundation for the rapid reconstruction work from 1935.

"2. Preparation for the re-strengthening of the German U-boat arm from 1925 (continuation), the merit of LOHMANN in connection with the preparation for rapid construction in 1925, relationship to SPAIN, ARGENTINE, TURKEY: the first post war U-boat construction of the German Navy in SPAIN since 1927; 250 ton specimen in FINLAND, preparation for rapid assembly; electric torpedo; training of U-boat personnel abroad in SPAIN and FINLAND. Formation of U-boat school in 1932 disguised as an anti U-boat school.

"3. Participation in the preparation for the reconstruction of the Luftwaffe (continuation). Preparations for a Naval Air Arm, Finance Aircraft Company Severa, later Luftdienst GMBH; Naval Flying School Warnemunde; Air Station List, training of sea cadet candidates, Military tactical questions "Air Defence Journeys", technical development,

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experimental station planning, trials, flying boat development DOX etc., catapult aircraft, arming, engines ground organisation, aircraft torpedoes, the Deutchsland Flight 1925 and the Seaplane Race 1926

"4. Economic re-armament ("The Tebeg" - Technical Advice and Supply Company as a disguised Naval Office abroad for investigating the position of raw materials for industrial capacity and other War economic questions.)

"5. Various measures. (The NV Aerogeodetic Company - secret investigations.)

"(c) Planned Armament Work with the tacit approval of the Reich Government, but behind the backs of the legislative bodies (1928 to the taking over of power)

"1. The effect of the Lohmann case on the secret preparations; winding up of works which could not be advocated; resumption and carrying on of other work.

"2. Finance question. ("Black Funds" and the Special Budget).

"3. The Labour Committee and its objectives

"(d) The Question of Marine Attaches
(The continuation under disguise; open re-appointment 1932-1933).

"(e) The question of Disarmament of the Fleet abroad and in Germany
(The Geneva Disarmament Conference 1927; the London Naval Treaty of 1930; the Anglo-French-Italian Agreement 1931. The League of Nations Disarmament Conference 1932).

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"Part D (1933-1939). The German Navy during the Military Freedom Period," which goes beyond the period with which I am at the moment dealing. A glance at the Chapter heading following that will indicate the scope of this proposed work. Whether the history was actually ever written by Scherff, I do not know.

I would like to call attention just to the first two or three headings, just under this "Part D - The German Navy during the Military Freedom Period.

"I. National Socialism and the question of the Fleet and of prestige at sea.

"II. Incorporation of the Navy in the National Socialist State."

The main heading III in the middle of the page, "The Re-armament of the Navy under the Direction of the Reich Government in a Disguised Way." The policy development of the Navy is also reflected from the financial side. The planned organization of the Navy budget for armament measures was based on a co-ordination of military developments and political objectives. Military political development was accelerated after the withdrawal from the League of Nations.

I have here, if the Court please, a captured document, in German, headed "Chef der Marineleitung, Berlin, 12 May 1934," and marked in large blue printing, "Geheime Kommandosache" - "Secret Commando Matter" -

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which is identified as our C-153. It has the facsimile signature of Raider at the end. I assume it's the facsimile; it may have been written with a stylus on a stencil; I can't tell. I offer it in evidence as Exhibit U.S.A. 43. It is headed with the title "Armament Plan (A.P.) for the 3rd Armament Phase." This document of 12May 1934, speaks of war tasks, war and operational plans, armaments target, etc., and shows that it was distributed to many of the high command of the Navy. It shows that a primary objective was readiness for a war without any alert period.

I quote from the third numbered paragraph:

"The planned organization of armament measures is necessary for the realization of the target; this again requires a coordinated and planned expenditure in peace time. This organization of financial measures over a number of years according to the military viewpoint is found in the armament programme and provides

a) for the military leaders a sound basis for their operational considerations and

b) for the political leaders a clear picture of what may be achieved with the military means available at a given time."

One other sentence from paragraph 7 of that document:

"All theoretical and practical A-preparations" (I assume that means Armament preparations,) "are to be drawn up with a primary view to readiness for a war without any alert period."

The conspiratorial nature of these Nazi plans and preparations long before the outbreak of hostilities is illustrated in many other ways. Thus, in 1934, Hitler instructed Raeder to keep secret the U-Boat construction programme; also the actual displacement and speed of certain ships. Work on U-Boats had been going on, as already indicated, in Holland and Spain.

The Nazi theory was rather clever on that. The Versailles Treaty forbade re-arming by the Germans in Germany, but they said it didn't forbid them to re-arm in Holland, Spain and Finland.

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Secrecy was equally important then because of the pending Naval negotiations with England. We have a captured document, which is a manuscript in German script, of a conversation between the defendant Raeder and Adolf Hitler, in June, 1934. It is not signed by the defendant Raeder. I might ask his counsel if he objects to my stating that the defendant Raeder, in an interrogation on 8 November 1945, admitted that this was a record of this conversation, and that it was in his handwriting, though he did not sign his name at the end.

That document is identified in our series as C-189, and I offer it in evidence as Exhibit U.S.A. 44.

It is headed, "Conversation with the Fuehrer in June 1934 on the occasion of the resignation of the Commanding Officer of the "Karlsruhe"."

"1. Report by the C-in-C Navy concerning displacement of D. and E. (defensive weapons).

"Fuehrer's instructions: No mention must be made of a displacement of 25-26,000 tons, but only of improved 10,000-ton(ships). Also, the speed over 26 nautical miles may be stated.

"2. C in C Navy expresses the opinion that later on the Fleet must anyhow be developed to oppose England, that therefore from 1936 onwards, the large ships must be armed with 35 c.m. guns (Like the King George Class.)

"3. The Fuehrer demands to keep the construction of the U-Boats completely secret. Plebiscite also in consideration of the Saar."

In order to continue the vital increase of the Navy, as planned, the Navy needed more funds than it had available; so Hitler proposed to put funds of the Labor Front at the disposal of the Navy.

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We have another Raeder memorandum of a conversation between Raeder with Hitler, on 2 November 1934. Of this, I have a photostatic copy of the German typed memorandum, identified as our C-190. This one, again, is not signed, but it was found in Raeder's personal file and I think he will not deny that it is his memorandum.

I offer it in evidence as Exhibit U.S.A. 45.

It is headed: "Conversation with the Fuehrer on 2.11.34 at the time of the announcement by the Commanding Officer of the 'Emden'.

"1) When I mentioned that the total funds to be made available for the armed forces for 1935 would presumably represent only a fraction of the required sum, and that therefore it was possible that the Navy might be hindered in its plans, he replied that he did not think the funds would be greatly decreased. He considered it necessary that the Navy be speedily increased by 1938 with the deadlines mentioned. In case of need, he will get Dr. Ley to put 120-150 million from the Labor Front at the disposal of the Navy, as the money would still benefit the workers. Later in a conversation with Minister Goering and myself, he went on to say that he considered it vital that the Navy be increased as planned, as no war could be carried on if the Navy was not able to safeguard the ore imports from Scandinavia.

"2) Then, when I mentioned that it would be desirable to have six U-Boats assembled at the time of the critical situation in the first quarter of 1935, he stated that he would keep this point in mind, and tell me when the situation demanded that the assembling should commence."

Then there is an asterisk and a note at the bottom:

"The order was not sent out. The first boats were launched in the middle of June 35 according to plan."

The development of the armament industry by the use of foreign markets was a programme encouraged by the Navy, so that this industry would be able to supply the requirements of the Navy in case of need.

We have an original German document, again headed "Geheime Kommandosache" - "Secret Commando Matter" - a directive of 31 January 1933, by the defendant Raeder, for German industry to support the armament of the Navy.

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It is identified in our series as C-29.

I offer it in evidence as Exhibit U.S.A. 46.

"TOP SECRET

"General directions for support given by the German Navy to the German Armament Industry

"The effects of the present economic depression have led here and there to the conclusion that there are no prospects of an active participation of the German Armament Industry abroad, even if the Versailles terms are no longer kept. There is no profit in it and it is therefore not worth promoting. Furthermore,the view has been taken that the increasing "self-sufficiency" would in any case make such participation superfluous.

"However obvious these opinions may seem, formed because of the situation as it is today, I am nevertheless forced to make the following contradictory corrective points:

"a) The economic crisis and its present effects must perforce be overcome sooner or later.

"Though equality of rights in war politics is not fully recognized today, it will, by the assimilation of weapons, be achieved at some period, at least to a certain extent,

"b) The consequent estimation of the duties of the German Armament Industry lies mainly in the Military-political sphere.

"It is impossible for this industry to satisfy, militarily and economically, the growing demands made of it by limiting the deliveries to our own armed forces. Its capacity must therefore be increased by the delivery of supplies to foreign countries over and above our own requirements.

"c) Almost every country is working to the same end today, even those which, unlike Germany, are not tied down by restrictions. Britain, France, North America, Japan, and especially Italy are making supreme efforts to ensure markets for their armament industries. The use of their diplomatic representations, of the propaganda voyages of their most modern ships and vessels, of sending missions and also of the

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guaranteeing of loans and insurance against deficits are not merely to gain commercially advantageous orders for their armament industries, but first and foremost to expand their output from the point of view of military policy.

"d) It is just when the efforts to do away with the restrictions imposed on us have succeeded, that the German Navy has an ever-increasing and really vital interest in furthering the German Armament Industry and preparing the way for it in every direction in the competitive battle against the rest of the world.

"e) If, however, the German Armament Industry is to be able to compete in foreign countries, it must inspire the confidence of its purchasers. The condition for this is that secrecy for our own ends be not carried too far. The amount of material to be kept secret under all circumstances in the interest of the defence of the country is comparatively small. I would like to issue a warning against the assumption that, at the present stage of technical development in foreign industrial states, a problem of vital military importance which we perhaps have solved, has not been solved there. Solutions arrived at today, which may become known, if divulged to a third person by naturally always possible indiscretion, have often been already superseded by new and better solutions on our part, even at that time or at any rate after the copy has been made. It is of greater importance that we should be technically well to the fore in any really fundamental matters, than that less important points should be kept secret unnecessarily and excessively.

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"(f) To conclude: I attach particular importance to guaranteeing the continuous support of the industry concerned by the navy, even after the present restrictions have been relaxed. If the purchasers are not made confident that something special is being offered them, the industry will not be able to stand up to the competitive battle and therefore will not be able to supply the requirements of the German Navy in case of need."

This surreptitious rearmament, in violation of treaty obligations, starting even before the Nazis came into power, is illustrated by a 1932 order of the Defendant Raeder, chief of the Naval Command, addressed to the main Naval Command, regarding the concealed construction of torpedo tubes in E-Boats. He ordered that torpedo tubes be removed and stored in the Naval Arsenal but be kept ready for immediate refitting. By using only the permitted number -- that is, permitted under the Treaty -- at a given time, and storing them after satisfactory testing, the actual number of operationally effective E-Boats was constantly increased.

We have this German order, with the facsimile signature of Raeder, reading "Der Chef der Marine Leitung, Berlin, 10, February 1932. Our series number is C-141. I offer it in evidence as Exhibit, USA 47, the order for concealed armament of E-Boats. I read from the first paragraph of the text:

"In view of our treaty obligations and the Disarmament Conference steps must be taken to prevent the 1st E-Boat-Half-Flotilla, which in a few months will consist of exactly similar newly built (E)-Boats, from appearing openly as a formation of torpedo-carrying boats" -- the German word being Torpedotraeger -- "as it is not intended to count these E-Boats against the number of torpedo-carrying boats allowed us.

"I therefore order:

"1. S2 - S5, will be commissioned in the shipyard Luerssen, Vegesack without armament, and will be fitted with easily removable cover-sheet-metal on the spaces necessary for torpedo-tubes. The same will be arranged by T.M.I."--a translator's note at the bottom says with reference to T.M.I.,

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Inspectorate of Torpedoes and Mining--"in agreement with the Naval-Arsenal, for the Boat 'S1' which will dismantle its torpedo-tubes, on completion of the practice shooting, for fitting on another boat.

"2. The torpedo-tubes of all S-Boats will be stored in the Naval Arsenal ready for immediate fitting. During the trial runs the torpedo-tubes will be taken on board one after the other for a short time to be fitted and for practice shooting so that only one boat at a time carries torpedo armament. For public consumption this boat will be in service for the purpose of temporary trials by the T.V.A."

I suppose that is not the Tennessee Valley Authority. The translator's note calls it the Technical Research Establishment.

"It should not anchor together with the other, unarmed boats of the Half-Flotilla because of the obvious similarity of type. The duration of firing, and consequently the length of time the torpedo-tubes are aboard, is to be as short as possible.

"3. Fitting the torpedo-tubes on all E-Boats is intended as soon as the situation of the political control allows it."

Interestingly enough, that memorandum by the defendant Raeder, written in 1932, was talking about as soon as the situation of the political control allows it. The seizure of power was the following year.

Along similar lines the Navy was also carrying on the concealed preparation of auxiliary cruisers, under the disguised designation of Transport Ships O. The preparations under this order were to be completed by 1 April 1935. At the very time of construction of these ships as commercial ships plans were made for their conversion.

We have the original German document, again top

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secret, identified by our number C-136, order from the Command Office of the Navy, dated 12 March 1934, and signed by draft by Groos. It has the seal of the Reichministerium, Marineleitung, over the draft signature. I offer it in evidence as Exhibit, USA 48. I think the defendant Raeder will admit, or at least will not deny that this is an official document.

"Subject: Preparation of Auxiliary Cruisers.

"It is intended to include in the Establishment Organization 35 (AG-Aufstellungsgliederung) a certain number of auxiliary cruisers which are intended for use in operations on the High Seas.

"In order to disguise the intention and all the preparations the ships will be referred to as "Transport Ships O". It is requested that in future this designation only will be used.

"The preparations are to be arranged so that they can be completed by 1.4.35."

Among official Navy files, OKM, which we have, there are notes kept year by year, from 1927 to 1940, on the reconstruction of the German Navy, and in these notes are numerous examples of the Navy's activities and policies of which I should like to point out some illustrations.

One of these documents discloses that the displacement of the battleship "Scharnhorst - Gneisenau" and "F/G"--whatever that is--was actually greater than the tonnages which had been notified to the British under the treaty. This document, our C-23, I offer in evidence as Exhibit, USA 49. That is a set really of three separate documents joined together. I read from that document:

"The true displacement of the battleship "Scharnhorst - Gneisenau" and 'F/G' exceeds by 20 percent in both cases the displacement reported to the British."

And then there is a table with reference to different ships, and two columns, headed "Displacement by Type", one column "Actual Displacement," and the other column, "Notified Displacement."

On the "Scharnhorst" the actual was 31,300 tons, the notified was 26,000 tons. On the "F", actual, 41,700, the notified, 35,000. On the "HI", actual, 56,200 tons, notified, 46,850, and so on down the list.

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I need not read them all.

On the second document in that group toward the end, Page 2 on the English version, is the statement, "In a clear cut programme for the construction, the Fuehrer and Reich Chancellor has set the Navy the task of carrying out the aims of his foreign policy."

The German Navy constantly planned and committed violations of armament limitation, and with characteristic German thoroughness had prepared superficial explanations of pretexts to explain away those violations.

Following a conference with the chief of "A" section, an elaborate survey list was prepared and compiled, giving a careful list of the quantity and type of German naval armament and ammunition on hand under manufacture or construction, and in many instances together with a statement of the justification or defense that might be used in those instances where the Versailles Treaty was violated or its allotment has been exceeded.

The list contained 30 items under "Material Measures" and 14 items under "Measures of Organization." The variety of details covered necessarily involved several sources within the Navy, which must have realized their significance. As I understand it, the "A" section was the military department of the Navy.

We have this very interesting document amongst the captured documents identified by our number C-32. I offer it in evidence as Exhibit, USA 50. It again is Geheime Kommandosache, and it is headed "A Survey Report of German Naval Armament after Conference with Chief of "A" Section, dated 9 September 1933," and

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captured among official German Navy files.

This is a long document, if the Tribunal please, but I should like to call attention to a few of the more interesting items.

There are three columns, one headed "Measure," one headed "Material Measures, Details," and the most interesting one is headed "Remarks." The remarks contain the pretext or justification for explaining away the violations of the treaty. They are numbered so I can conveniently refer to the numbers.

"1. Exceeding the permitted number of mines." Then figures are given. "Remarks: Further mines are in part ordered, in part being delivered."

"Number 2. Continuous storing of guns from the North Sea area for Baltic artillery batteries." In the remarks column, "Justification: Necessity for over-hauling. Cheaper repairs."

Turning over to Number 6, "Laying gun-platforms in the Kiel area." And under remarks "The offence over and above that in Serial Number 3 lies in the fact that all fortifications are forbidded in the Kiel area. This justification will make it less severe; pure defence measures."

"Number 7: Exceeding the calibre permitted for coastal batteries." The explanation: "Possible justification is that, though the calibre is larger, the number of guns is less."

"Number 8: Arming of mine-sweepers. The reply to any remonstrance against this breach: the guns are taken from the Fleet reserve stores, have been temporarily installed only for training purposes. All nations arm their mine-sweeping forces (equality of rights)."

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Here is one that is rather amusing. "Number 13, Exceeding the number of machine guns, et cetera, permitted." Remarks: "Can be made light of."

"Number 18: Construction of U-boat parts." This remark is quite characteristic: "Difficult to detect. If necessary can be denied."

"Number 20: Arming of fishing vessels." Remarks: For warning shots. Make little of it." And so on throughout the list.

I think quite obviously that must have been used as a guide for negotiators who were attenting the Disarmament Conference as to the position that they might take.

Now, to Paragraph IV (F) 2 (b) of the Indictment, the allegation that "On 14th October 1933 they led Germany to leave the International Disarmament Conference and the League of Nations."

That is a historical fact of which I ask the Tribunal to take judicial notice. The Nazis took this opportunity to break away from the International negotiations and to take an aggressive position on an issue which would not be serious enough to provoke reprisal from other countries. At the same time, Germany attached so much importance to this action that they considered the possibility of the application of sanctions by other countries. Anticipating the probable nature of such sanctions and the countries which might apply them, plans were made for military preparations for armed resistance on land, at sea, and in the air, in a directive from the Reichsminister for Defense Blomberg, to the head of the Army High Command, Fritsch, the head of the Navy High Command, Raeder, and the Reichsminister of Air, Goering.

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We have this captured document in our series, C-140, which I offer as Exhibit, USA 51. It is a directive dated 25 October 1933, 11 days after the withdrawal from the Disarmament Conference and the League of Nations.

Paragraph 1: "The enclosed directive gives the basis for preparation of the armed forces in the case of sanctions being applied against Germany.

"2. I request the chiefs of the Army and Navy High Command and the Reichsminister for Air to carry

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out the preparations in accordance with the following points:

"(a) Strictest secrecy. It is of the utmost importance that no facts become known to the outside world from which preparation for resistance against sanctions can be inferred or which is incompatible with Germany's existing obligations in the sphere of foreign policy regarding the demilitarized zone. If necessary, the preparations must take second place to this necessity."

I think that makes the point without further reading.

One of the immediate consequences of the action was that following the withdrawal from the League of Nations, Germany's armament program was still further increased.

I introduced this morning document C-153, as Exhibit USA-43, so that is already in. From that, at this point, I wish to read paragraph 5. That, as you recall, was a document dated 12 May, 1934.

Paragraph 5: "Owing to the speed of military political development since Germany quitted Geneva and based on the progress of the army, the new A-Plan will only be drawn up for a period of two years. The third A phase lasts accordingly from 1.4.34 to 31.3.36."

Then, the next allegation of the Indictment, if the Tribunal please:

"On 10 March, 1935, the defendant Goering announced that Germany was building a military air force."

That is a historical fact of which I ask the Court to take jedicial notice, an I am quite certain that the defendant Goering would not dispute it.

We have a copy of the German publication known as das Archiv--I suppose that is the way they pronounce it--the number of March 1935, and it os page 1830 to which I refer. I would offer that in evidence, identifying it as our number 2292-PS; I offer it

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as USA-52. It is an announcement concerning the German Air Force:

"The Reich Minister for Aviation, General of the Airmen, Goering, in his talk with the special correspondent of the Daily Mail, Ward Price, expressed himself on the subject of the German Air Force.

"General Goering said:

"In the extension of our national defense, (Sicherheit) it was necessary, as we repeatedly told the world, to take care of defense in the air. As far as that is concerned, I restricted myself to those measures absolutely necessary. The guiding line of my actions was, not the creation of an aggressive force which would threaten other nations, but merely the completion of a military aviation which would be strong enough to repel, at any time, attacks on Germany."

Then, at the end of that section of the article in Das Archiv: "In conclusion, the correspondent asked whether the German Air Force will be capable of repelling attacks on Germany. General Goering replied to that exactly as follows:

"The German Air Force is just as passionately permeated with the will to defend the Fatherland to the last as it is convinced, on the other hand, that it will never be employed to threaten the peace of other nations."

As I said, I believe this morning, when we cite assurances of that kind from Nazi leaders, we take it that we are not foreclosed from showing that they had different intentions from those announced.

The next allegation of the Indictment is the promulgating of the law for compulsory military service, or universal military service.

Having gone as far as they could on rearmament and the secret training of personnel, the next step necessary to the

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program for aggressive war was a large-scale increase in military strength. This could no longer be done under disguise and camouflage, and would have to be known to the world. Accordingly, on 16 March, 1935, there was promulgated a law for universal military service, in violation of Article 173 of the Versailles Treaty.

I ask the Court to take judicial notice of that law as it appears in the Reichsgesetzblatt, which is the official compilation of laws, in Title I of Volume I, yearly volume 1935, or Jahrgang, at page 369. I think I need not offer the book or the law in evidence.

The text of the law itself is very brief and I might read that; it is right at the end of the article. I should refer to that as our Document Number 1654-PS, so as to identify it.

"In this spirit the German Reich Cabinet has today passed the following law:

"Law for the Organization of the Armed Forces of March 16, 1935.

"The Reich Cabinet has passed the following law which is herewith promulgated:

"Section 1.

"Service in the Armed Forces is based upon compulsory military duty.

"Section 2.

"In peace time, the German Army, including the police troops transferred to it, is organized into: 12 Corps and 36 Divisions."

There is a typographical error in the English version of that. It says "16 Divisions", but the original German says 36 Divisions.

"Section 3.

"The Reich Minister of War is charged with the duty of

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submitting immediately to the Reich Ministry detailed laws on compulsory military duty."

That is signed, "Berlin, March 16, 1935." It is signed first by the Fuehrer and Reich Chancellor Adolph Hitler, and then by many other officials, including the following defendants in this case: von Neurath; Frick; Schacht; Goering; Hess; Frank.

Does the Court contemplate a short recess?

THE PRESIDENT: We will adjourn for ten minutes.

(Whereupon at 3:40 p.m. a short recess was taken.)

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COLONEL STOREY: If the Tribunal please, the Prosecution expects, tomorrow, to offer in evidence some captured enemy moving pictures, and, in order to give defense counsel an opportunity to see them before they are offered in evidence--and in response to their request made to the Tribunal some time ago--the showing of these films for defense counsel will be held in the court room this evening at 8 o'clock.

THE PRESIDENT: Very well, Colonel Storey.

MR. ALDERMAN: May it please the Tribunal, I have now reached Paragraph IV, F, 2(c) of the Indictment, which alleges: "On 21 May, 1935, they falsely announced to the world, with intent to deceive and allay fears of aggressive intentions, that they would respect the territorial limitations of the Versailles Treaty and Comply with the Locarno Pacts".

As a part of their program to weaken resistance in possible enemy states, the Nazis followed a policy of making false assurances, thereby tending to create confusion and a false sense of security. Thus, on the same date on which Germany renounced the armament provisions of the Versailles Treaty, Hitler announced the intent of the German Government to respect the territorial limitations of Versailles and Locarno.

I offered in evidence this morning as Exhibit USA-38 our document number 2288-PS, the pertinent volume of the issue of the Volkischer Beabachter containing Hitler's speech in the Reichstag on that date.

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In that speech he said:

"Therefore, the Government of the German Reich shall absolutely respect all other articles pertaining to the cooperation (zasammenleben)--really meaning the living together in harmony-of the various nations including territorial agreements; revisions which will be unavoidable as time goes by it will carry out by way of a friendly understanding only.

"The Government of the German Reich has the intention not to sign any treaty which it believes not to be able to fullfil. However, it will live up to every treaty signed voluntarily even if it was composed before this Government took over. Therefore, it will in particular adhere to all the allegations under the Locarno Pact as long as the other partners of the pact also adhere to it."

For convenient reference, the territorial limitations in the Locarno and Versailles Treaties, include the following:

The Rhine Pact of Locarno, 16 October 1925, Article 1:

"The high contracting parties, collectively and severally, guarantee, in the manner provided in the following Articles; the maintenance of the territorial status quo, resulting from the frontiers between Germany and Belgium and between Germany and France and the inviolability of the said frontiers, as fixed by, or in pursuance of the Treaty of Peace, signed as Versailles, on June 28, 1919, and also the observance of the stipulation of Articles 42 and 43 of the said Treaty, concerning the demilitarized zone."

That has reference, of course, to the demilitarized zone of the Rhineland.

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Then from the Versailles Treaty, 28 June, 1919, Article 42:

"Germany is forbidden to maintain or construct any fortifications, either on the left bank of the Rhine or on the right bank, to the west of the line drawn 50 kilometers to the east of the Rhine.

"Article 43: In the area defined above, the maintenance and the assembly of armed forces, either permanently or temporarily and military maneuvers of any kind, as well as the upkeep of all permanent works for mobilization, are in the same way forbidden."

The next allegation of the indictment (f):

"On 7th March, 1936, they re-occupied and fortified the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno of 16 October, 1925, and falsely announced to the world that 'we have no territorial demands to make in Europe.'"

The demilitarized zone of the Rhineland obviously was a sore wound with the Nazis ever since its establishment, after World War 1. Not only was this a blow to their increasing pride, but it was a bar to any effective strong position which Germany might want to take on any vital issues. In the event of any sanctions against Germany, in the form of military action, the French and other powers would get well into Germany east of the Rhine, before any German resistance could even be put up. Therefore, any German plans to threaten or breach international obligations or for any kind of aggression, required the preliminary reoccupation and refortification of this open Rhineland territory. Plans and preparations for the reoccupation of the Rhineland started very early.

We have a document, a German captured document, in German script, which we identify as C-139, and which appears to be signed by the hand-writing of Blomberg. I offer it in evidence as U.S.A. Exhibit 53.

The document deals with what is called "Operation Schulung", meaning schooling, or training. It is dated 2 May 1935 and even refers to prior Staff discussions on the subject dealt with. It is addressed to the Chief of the Army Command, who at that time, I believe, was Fritsch; the Chief of the Navy High Command, Raeder, and the Reich Minister for Air, Goering.

It does not use the name "Rhineland" and does not, in terms, refer

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to it. It is our view that it was a military plan for the military reoccupation of the Rhineland, in violation of the Treaty of Versailles and the Rhine Pact of Locarno.

I read from the first part of the document which is headed "Secret Document."

"For the operation, suggested in the last Staff Talks of the Armed Forces, I lay down the Code name "Schulung" (training).

"The supreme direction of the operation 'Schulung' rests with the Reich Minister of Defense as this is a joint undertaking of the three services.

"Preparations for the operation will begin forthwith according to the following directives:

"1. General.

"1.) The operation must, on issue of the code word "Carry out Schulung", be executed by a surprise blow at lightning speed. Strictest secrecy is necessary in the preparations and only the very smallest number of officers should be informed and employed in the drafting of reports, drawings, etc., and these officers only in person.

"2.) There is no time for mobilization of the Forces taking part. These will be employed in their peace-time strength and with their peace-time equipment.

"3.) The preparation for the operation will be made without regard to the present inadequate state of our armaments. Every improvement of the state of our armaments will make possible a greater measure of preparedness and thus result in better prospects of success."

The rest of the Order deals with military details and I think it is unnecessary to read it.

There are certain points, in the face of this Order, which are inconsistent with any theory that it was merely a training order, or that it might have been defensive in nature. The operation was to be carried out

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as a surprise blow at lightning speed (Schlargartig als Verberfall).

The air forces were to provide support for the attack. There was to be reinforcement by the East Prussion division. Furthermore, this document is dated 2 May 1935, which is about 6 weeks after the promulgation of the Conscription Law on 16 March, 1935, and so it could hardly have been planned as a defensive measure against any expected sanctions which might have been applied by reason of the passage of the Conscription Law.

Of course, the actual reoccupation of the Rhineland did not take place until 7 March, 1936, so that this early plan would necessarily have been totally revised to suit the existing conditions and specific objectives. As I say, although the plan does not mention the Rhineland, it has all of the indications of a Rhineland Operation Plan. That the details of this particular plan were not ultimately the ones that were carried out in reoccupying the Rhineland does not at all detract from the vital fact that as early as 2 May 1935, the Germans had already planned that operation, not merely as a Staff Plan but as a definite operation. It was evidently not on their timetable to carry out the operation so soon, if it could be avoided. But they were prepared to do so, if necessary, to revise French sanctions against their Conscription Law.

It is significant to note the date of this document is the same as the date of the signing of the Franco-Russian Pact, which the Nazis later asserted as their excuse for the Rhineland reoccupation.

The military orders, on the basis of which the Rhineland reoccupation was actually carried into execution on 7 March, 1936, were issued on 2 March, 1936 by the War Minister and Commander-in-Chief of the Armed Forces, Blomberg, and addressed to the Commander-in-Chief of the Army, Fritsch, the Commander-in-Chief of the Navy, Raeder, and Air Minister and C-in-C of the Air Force, Goering. We have that order signed by Blomberg, headed, as usual, "Top Secret", identified by us as C-159. I offer it in evidence as U.S.A. Exhibit 54.

The German copy of that document bears the defendant Raeder's initial in green pencil, with a red pencil note "To be submitted to the C-in-C of the Navy".

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The first part of the Order reads:

"Supreme Command of the Navy:

"1. The Fuehrer and Reich Chancellor has made the following decision:

"By reason of the Franco-Russian alliance, the obligations accepted by Germany in the Locarno Treaty, as far as they apply to Articles 42 and 43, of the Treaty of Versailles which referred to the demilitarized zone, are to be regarded as obsolete.

"2. Sections of the Army and Air Force will therefore be transferred simultaneously in a surprise move to garrisons of the demilitarized zone. In this connection, I issue the following orders:--"

There follows the detailed orders for the military operation.

We also have the orders for Naval cooperation. The original German document, which we identify as C-194, was issued on 6 March, 1936, in the form of an order on behalf of the Reich Minister for War, Blomberg, signed by Keitel, and addressed to the Commander-in-Chief of the Navy, Raeder, setting out detailed instructions for the Commander-in-Chief of the Fleet and the Admirals commanding the Baltic and North Sea. I offer the document in evidence as Exhibit U.S.A. 55.

The short covering letter is as follows:

"To: C-in-C Navy:

"The Minister has decided the following after the meeting:

"1. The inconspicuous air reconnaissance in the German bay, not over the line Texel-Doggerbank, from midday on Z-Day onward, has been approved. C-in-C air force will instruct the air command VI from midday 7 March to hold in readiness single reconnaissance aircraft to be at the disposal of the C-in-C fleet.

"2. The Minister will reserve the decision to set up a U-Boat reconnaissance on line, until the evening

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of 7 March. The immediate transfer of U-Boats from Kiel to Wilhelmshaven has been approved.

"3. The proposed advance measures for the most part exceed Degree of Emergency A and therefore are out of the question as the first counter-measures to be taken against military preparations of neighboring states. It is far more essential to examine the advance measures included in Degree of Emergency A, to see whether one or other of the especially conspicuous measures could not be omitted."

That is signed "Keitel".

The rest of the documents are detailed naval orders, operational orders, and I think I need not read further.

For the historical emphasis of this occasion, Hitler made a momentous speech on 7 March 1936. I have the volume of the "Voelkische Beobachter", Berlin, Sunday, 8 March 1936, our document 2289-PS, which I offer in evidence as Exhibit U.S.A. 56.

This is a long speech which the world remembers and of which I shall only read a short portion.

"Men of the German Reichstag! France has replied to the repeated friendly offers and peaceful assurances made by Germany by infringing the Reich pact through a military alliance with the Soviet Union exclusively directed against Germany. In this manner, however, the Locarno Rhine pact has lost its inner meaning and ceased in practice to exist. Consequently, Germany regards herself, for her part, as no longer bound by this dissolved treaty. The German government are now constrained to face the new situation created by this alliance, a situation which is rendered more acute by the fact that the Franco-Soviet treaty has been supplemented by a Treaty of Alliance between Czechoslovakia and the Soviet Union exactly parallel in form. In accordance with the fundamental right of a nation to secure its frontiers and ensure its possibilities of defense, the German government have today restored the full and unrestricted sovereignty of Germany in the demilitarized zone of the Rhineland."

The whole matter of the German reoccupation of the demilitarized zone of the Rhineland caused extensive international reprecussions. As a result

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of the protests lodged with the League of Nations, the Council of the League made an investigation and announced the following finding, of which I ask the Tribunal to take judicial notice, as being carried in the League of Nations monthly summary, March, 1936, Volume 16, Page 78, and it is also quoted in an article by Quincy Wright, in the American Journal of International Law, page 487, 1936.

The finding is this:

"That the German government has committed a breach of Article 43 of the Treaty of Versailles, by causing on March 7, 1936, military forces to enter and establish themselves in the demilitarized zone, referred to in Article 42 and the following articles of that Treaty, and in the Treaty of Locarno. At the same time, on March 7, 1936, the Germans reoccupied the Rhineland in flagrant violation of the Versailles and Locarno Treaties. They again tried to allay the fears of other European powers and lead them into a false sense of security by announcing to the world 'we have no territorial demands to make in Europe.'"

That appears in this same speech of Hitler's, which I have offered in evidence as U.S.A. Exhibit 56, which is document 2289-PS. The language will be found on page 6, column 1, "We have no territorial claims to make in Europe. We know above all that all the tensions resulting either from false territorial settlements or from the disproportion of the numbers of inhabitants to their living spaces cannot, in Europe, be solved by war."

Most of the acts set forth in the part of the Indictment, which I have been discussing, I think do not need judicial proof because they are historical facts. We have been able to bring you a number of interesting documents, illuminating that history. The existence of prior plans and preparations is indisputable from the very nature of things. The method and sequence of these plans

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and their accomplishment are clearly indicative of the progressing and increasingly aggressive character of the Nazi objectives, international obligations and considerations of humanity notwithstanding.

The detailed presentation of the violations of Treaties and International Law will be presented by our British colleagues, in support of Count Two of the Indictment.

In clear relief, there is shown the determination of the Nazi conspirators to use whatever means were necessary to abrogate and overthrow the Treaty of Versailles and its restrictions upon the military armament and activity of Germany. In this process, they conspired and engaged in secret armament and training, the secret production of munitions of war, and they built up an air force. They withdrew from the International Disarmament Conference and the League of Nations on the 14th October 1933. They instituted universal military service on 16 March, 1935. On 21 May, 1935, they falsely announced that they would respect the territorial limitations of Versailles and Locarno. On March 7, 1936, they reoccupied and fortified the Rhineland and at the same time, falsely announced that they had no territorial demands in Europe.

The objectives of the conspirators were vast and mighty, requiring long and extensive preparations. The process involved the evasion, circumvention and violation of international obligations and treaties. They stopped at nothing.

The accomplishment of all those things, together with getting Versailles out of the way, constituted an opening of the gates toward the specific aggressions which followed.

I pass next, if the Tribunal please, to the presentation of the story of the aggression against Austria. I do not know whether your Honor desires me to start on that or not.

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I am perfectly willing to do so.

THE PRESIDENT: Are you going to use this volume of documents marked "I" tomorrow?

MR ALDERMAN: There will be a new one marked "N".

THE PRESIDENT: The Tribunal will adjourn until 10:00 O8clock tomorrow morning.

(Whereupon, at 1630 hours the hearing of the Tribunal adjourned to reconvene at 28 November 1945, at 1000 hours.